

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

SYDNEY SCALES,

Defendant.

19-CR-0096 (JSR)

[PROPOSED] ORDER

Upon the application of Sydney Scales, by his attorneys, Justine Harris, Michael Tremonte, and Elizabeth Jánosky, for an order authorizing the Jury Administrator for the Southern District of New York to reproduce the records pursuant to 28 U.S.C. § 1867(f):

IT IS HEREBY ORDERED that the Jury Administrator for the Southern District of New York is authorized and directed to produce the following records to defense counsel, Justine Harris, Michael Tremonte, and Elizabeth Jánosky, on or before July 16, 2021:

- (a) A list of all the individuals who received a summons to appear for jury services at the Southern District of New York on July 20, 2021 (the “July 20 potential jurors”), including each individual’s demographic information, such as age, race, and gender;
- (b) A copy of the summons received by the July 20 jurors, including any additional instructions, such as the Southern District of New York’s “Supplemental Juror Questionnaire”¹;
- (c) Records of the results of the phone screening described in the Supplemental Juror Questionnaire, including each potential juror’s answers to Questions 1 through 9, and whether each potential juror’s service was excused or postponed.

¹ See

https://www.nysd.uscourts.gov/sites/default/files/pdf/Jury_Duty/Supplemental%20Juror%20Questionnaire.pdf.

IT IS FURTHER ORDERED that any such records be produced subject to the protective order, filed on July 9, 2021.

SO ORDERED.

Dated: July 9, 2021
New York, New York


Hon. Jed S. Rakoff

SHER TREMONTE LLP

July 9, 2021

VIA EMAIL

The Honorable Jed S. Rakoff
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Scales*, 19-CR-0096 (JSR)

Dear Judge Rakoff:

We represent Mr. Sydney Scales in the above-captioned case. We are writing to respectfully request that the Court direct the Jury Administrator of the Southern District of New York to produce to defense counsel certain records relating to the potential jurors summoned to appear for jury service on July 20, 2021, the date when a jury will be selected for Mr. Scales's trial.

We make this request pursuant to 28 U.S.C. § 1867(f), which allows a defendant to "inspect, reproduce, and copy ... records or papers [used by the commission or clerk in connection with the jury selection process] at all reasonable times during the preparation and pendency of ... a motion" to challenge the composition of the jury on the ground that it failed to reflect a fair cross-section of the community. *See also Test v. United States*, 420 U.S. 28, 30 (1975).

Specifically, we request that the following records be produced to defense counsel on or before July 16, 2021:

- (a) A list of all the individuals who received a summons to appear for jury service at the Southern District of New York on July 20 (the "July 20 potential jurors"), including each individual's demographic information, such as age, race, and gender;
- (b) A copy of the summons received by the July 20 potential jurors, including any additional instructions, such as the Southern District of New York's "Supplemental Juror Questionnaire"¹; and

¹ *See*

https://www.nysd.uscourts.gov/sites/default/files/pdf/Jury_Duty/Supplemental%20Juror%20Questionnaire.pdf.